

REMARKS

This Response responds to the Office Action dated September 21, 2005 in which the Examiner rejected claims 1-9 under 35 U.S.C. §103.

Claims 1-9 were rejected under 35 U.S.C. §103 as being unpatentable over *Kamijima* (U.S. Patent Publication No. 2003/0099054).

Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. §103. The claims have been reviewed in light of the Office Action, and for reasons which will be set forth below, applicant respectfully requests the Examiner withdraws the rejection to the claims and allows the claims to issue.

Applicant respectfully points out to the Examiner that the present application and *Kamijima* are commonly assigned to TDK Corporation. As set forth in 35 U.S.C. §103(c):

Subject matter developed by another person, which qualifies as prior art only under one or more of sections (e), (f), and (g) or section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In the present case, *Kamijima* constitutes prior art only under 35 U.S.C. §102(e). Furthermore, applicant hereby submits that the present application and *Kamijima* were, at the time the present invention was made, owned by TDK Corporation. Accordingly, *Kamijima* is disqualified from being used in a rejection under 35 U.S.C. §103(a) against the claims of the present invention. Withdrawal of the rejection is respectfully requested (see MPEP §706.02(I)(1) and §706.02(I)(2)).

The prior art of record, which is not relied upon, is acknowledged. The references taken singularly or in combination do not anticipate or make obvious the claimed invention.

Thus it now appears that the application is in condition for reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

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